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Attorneys for Defendant
 BRENT D. NIBARGER

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THOMAS KINKER and JUDY KINKER,)
 individually and jointly)
)
 Plaintiffs,)
)
 v.)
)
 BRENT D. NIBARGER, individually;)
 RICHARD LEE SMITH, individually; and)
 DOES 1 to 25,)
)
 Defendants)

Case No.: 2:15-cv-01197-LDG-VCE

[Removed from Eighth Judicial
 District Court, Clark County Nevada,
 Case No. A-15-717626-C]

**STIPULATION AND ORDER TO
 REMAND**


Plaintiffs Thomas and Judy Kinker, Defendant Brent D. Nibarger and Defendant Richard Lee Smith by and through their undersigned counsel, hereby stipulate and agree to remand the above-captioned matter to the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark. By way of explanation for the voluntary remand, this case was originally filed in the Eighth Judicial District Court on April 28, 2015, and, on June 23, 2015, Defendant Brent D. Nibarger filed a Notice of Removal (#1) with this Court. Shortly after filing the Notice of Removal, Defendant Brent D. Nibarger realized that the removal from the Eighth Judicial District Court to the U.S. District Court was in error. As both defendants in this matter are residents of the State of Nevada, this case could not be removed to the U.S. District Court pursuant to 28 U.S.C. §

1 1441(b)(2). Accordingly, jurisdiction in this matter is appropriate in the Eighth Judicial District
2 Court and the parties are executing this stipulation in an effort to expedite the remand and to avoid
3 motion practice before this Court on this issue.

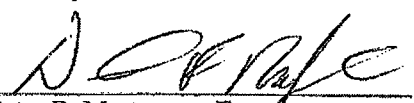
4 DATED: July __, 2015

Vernon E. Levery, Esq.
Patrick R. Levery, Esq.
William R. Ginn, Esq.
LEVERTY & ASSOCIATES LAW CHTD.
832 Willow Street
Reno, NV 89502
Counsel for Plaintiffs Thomas & Judy Kinker

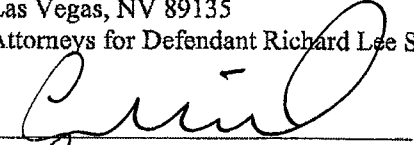
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10 DATED: July 8, 2015


Jeff I. Braun, Esq.
Christina N. Meissner, Esq.
MCNEIL TROPP & BRAUN, LLP
2 Park Plaza, Suite 620
Irvine, CA 92614
Attorneys for Defendant Richard Lee Smith

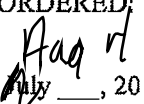
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15 DATED: July 9TH, 2015

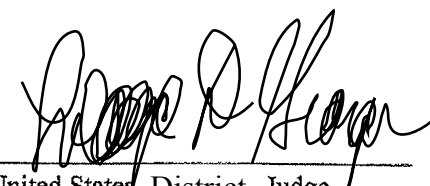

Peter B. Mortenson, Esq.
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19
20 DATED: July 9, 2015


Graeme A. Reid, Esq.
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Attorneys for Defendant Brent D. Nibarger

24
25 IT IS SO ORDERED:

26 DATED:  Aug 4, 2015
27 Aug 4
28


United States District Judge

1 1441(b)(2). Accordingly, jurisdiction in this matter is appropriate in the Eighth Judicial District
2 Court and the parties are executing this stipulation in an effort to expedite the remand and to avoid
3 motion practice before this Court on this issue.

4 DATED: July ___, 2015

/s/ William R. Ginn

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10 DATED: July ___, 2015

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15 DATED: July ___, 2015

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20 DATED: July ___, 2015

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Attorneys for Defendant Brent D. Nibarger

25 IT IS SO ORDERED:

26 DATED: ____ August 2015

Lloyd D. George
Sr. U.S. District Judge